

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CREATIVE COMPOUNDS, LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:13 MC 609 RWS
)	
LOTT & FRIEDLAND, P.A.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This newly-filed miscellaneous case is before me on my review. Plaintiff seeks to quash a deposition subpoena served on Hinsaw & Culbertson LLP in this district for a case pending in the Southern District of Florida. Creative Compounds, LLC v. Lott & Friedland, P.A., Case No. 1:11CV21879. The sole basis for quashing the subpoena is that it was served on November 4, 2013, which is after the discovery cut-off deadline of October 30, 2013. However, on October 30, 2013, defendant also filed a motion to extend the discovery cut-off deadline. That motion, which is opposed by plaintiff, is currently pending before the district court in Florida. If the motion to extend the discovery cut-off is granted, this motion to quash will be moot as the only basis for filing it has been overruled. I would therefore expect the plaintiff to withdraw it. If the motion to extend the discovery cut-off is denied, then I would expect the defendant to withdraw the subpoena as it lacked the authority to serve it. That would also moot this motion. Either way, the resolution of this miscellaneous case is dependent upon the Florida court's decision with respect to the pending motion to extend the discovery deadline. I expect the lawyers involved in this case to behave in accordance with their professional responsibilities and either withdraw the pending motion or the pending subpoena once the Florida court has rendered its decision. If I am

forced to render a decision in this matter, I will consider sanctions as I believe it will mean that one or more attorneys involved in this litigation have failed to comply with their ethical duties to only advance motions or processes of the Court (such as subpoenas) when they have a good faith basis for doing so.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall notify this Court in writing within one (1) day of the Florida district court rendering its decision on the pending motion to extend the discovery deadline. Plaintiff shall also notify the Court whether, in accordance with this Memorandum and Order, it is withdrawing the motion to quash and/or whether defendant has withdrawn the subpoena based upon the Florida court's decision.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 19th day of November, 2013.